

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BILLY R. JONES,

Plaintiff

Case No. 3:20-cv-00466-APG-WGC

**ORDER**

v.

D. DRUMMOND, *et al.*,

Defendants

**I. DISCUSSION**

On August 13, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis* with complete financial attachments.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **October 13, 2020**. Absent unusual circumstances, the Court will not grant any further extensions of

1 time. If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*  
2 with all three required documents or pay the full \$400 filing fee on or before **October 13,**  
3 **2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new case with  
4 the Court when Plaintiff is either able to acquire all three of the documents needed to file  
5 a fully complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

6 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
7 case with the Court, under a new case number, when Plaintiff has all three documents  
8 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff  
9 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
10 full filing fee of \$400 on or before **October 13, 2020** to proceed with this case.

11 On August 13, 2020 and August 14, 2020, this Court received two notifications  
12 from the Ely State Prison that Plaintiff is not located at that facility. (ECF Nos. 4 and 5).  
13 Also, according to the Nevada Department of Corrections (“NDOC”) inmate database,  
14 Plaintiff is no longer at the address listed with the Court. The Court notes that pursuant  
15 to Nevada Local Rule of Practice IA 3-1, a “pro se party must immediately file with the  
16 court written notification of any change of mailing address, email address, telephone  
17 number, or facsimile number. The notification must include proof of service on each  
18 opposing party or the party’s attorney. Failure to comply with this rule may result in the  
19 dismissal of the action, entry of default judgment, or other sanctions as deemed  
20 appropriate by the court.” Nev. Loc. R. IA 3-1. This Court grants Plaintiff until on or before  
21 **October 13, 2020** to file his updated address with the Court. If Plaintiff does not update  
22 the Court with his current address on or before **October 13, 2020**, the Court will dismiss  
23 this action without prejudice.

## 24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
26 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well  
27 as the document entitled information and instructions for filing an *in forma pauperis*  
28 application.

1 IT IS FURTHER ORDERED that on or before **October 13, 2020**, Plaintiff will either  
2 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
3 administrative fee) or file with the Court:

4 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
5 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
6 signatures on page 3),

7 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
8 official (i.e. page 4 of this Court's approved form), and

9 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
10 **previous six-month period.**

11 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
12 application to proceed *in forma pauperis* with all three documents or pay the full \$400  
13 filing fee for a civil action on or before **October 13, 2020**, the Court will dismiss this action  
14 without prejudice for Plaintiff to refile the case with the Court, under a new case number,  
15 when Plaintiff has all three documents needed to file a complete application to proceed  
16 *in forma pauperis* or pays the full \$400 filing fee.

17 IT IS FURTHER ORDERED that Plaintiff shall file his updated address with the  
18 Court on or before **October 13, 2020**.

19 IT IS FURTHER ORDERED that, if Plaintiff fails to file his updated address with  
20 the Court on or before **October 13, 2020**, the Court will dismiss this case without  
21 prejudice.

22 IT IS FURTHER ORDERED that as a one-time courtesy, the Clerk of the Court will  
23 send a copy of this order and a copy of the Court's application to proceed *in forma*  
24 *pauperis*, with instructions for filing the same, to Plaintiff at both Ely State Prison and  
25 Southern Desert Correctional Center.

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1 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
2 (ECF No.1-1) but will not file it at this time.

3 DATED: August 14, 2020

4 Walter G. Cobb  
5 UNITED STATES MAGISTRATE JUDGE  
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